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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,059	01/30/2006	George Victor Rissik	RISS3001/JEK/JS	4270
23364 7590 03/03/2009 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314-1176				
EXAMINER HEWITT, JAMES M				
ART UNIT		PAPER NUMBER		
3679				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,059

Applicant(s)

RISSIK, GEORGE VICTOR

Examiner

JAMES M. HEWITT

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 6-9 are objected to because of the following informalities:

In claim 6, line 15, the phrase "to receive" should be replaced with the phrase "for insertion into".

Appropriate correction is required.

35 USC § 112 6th Paragraph

In claim 6, line 1, "directional control means for submerged surface suction cleaning apparatus" is considered to invoke 35 USC 112 6th paragraph as it meets the 3-prong test as outlined in MPEP 2181.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fouts (US 3,900,221) in view of Bartholomew (US 4,893,845), and further in view of Sulzyc et al (US 5,551,734).

With respect to claim 6, Fouts discloses a directional control means for submerged surface suction cleaning apparatus comprising: an elbow joint (34) terminating in an inlet end and an outlet end, the inlet and outlet ends defining a peripheral groove (41) adjacent the ends; a first extension (10) comprising a cuff fitted over the inlet end of the elbow joint, the first extension terminating in a protruding socket; and a second extension (10) comprising a cuff fitted over the outlet end of the elbow joint, the second extension terminating in a protruding spigot. Fouts fails to teach that the inlet and outlet ends are inclined relative to each other. Bartholomew teaches an elbow fitting (FIG. 1) wherein the ends are inclined relative to each other. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Fouts' 90° elbow to be inclined as taught by Bartholomew in order to accommodate a different application requirement and/or to enhance fluid flow. Fouts/Bartholomew fail to teach that the first extension cuff comprises a peripheral rib configured to engage the peripheral groove adjacent the end of the inlet end in a snap fit, so as to allow the first extension to swivel relative to the elbow joint and that the second extension comprises a peripheral rib configured to engage the peripheral groove adjacent the end of the outlet end in a snap fit, so as to allow the second extension to swivel relative to the elbow joint. Sulzyc et al teaches a swivel connection wherein the male or female member is provided with a rib that is received in a snap-fit in a groove in the female or male member to permit axial locking yet allowing free rotation. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the wire/groove

configuration Fouts/Bartholomew such that the extensions include projecting ribs as taught by Sulzyc et al in order to provide an audio indication of connection.

With respect to claim 7, Fouts/Bartholomew/Sulzyc et al disclose a directional control means as claimed in claim 6 wherein the inlet end and the outlet end are inclined to each other at 135°. Refer to Bartholomew.

With respect to claim 8, Fouts/Bartholomew/Sulzyc et al disclose a directional control means as claimed in claim 7, but fails to teach that the inlet end and the outlet end are inclined to each other at 150°. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Fouts/Bartholomew/Sulzyc et al elbow such that the angle between the inlet and outlet ends is at 150 degrees since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Applicant's modification of the angle may lead to beneficial results, but not unexpected and unpredictable results.

With respect to claim 9, Fouts/Bartholomew/Sulzyc et al disclose a directional control means as claimed in claim 6 wherein the peripheral rib and the peripheral groove are formed with anti-friction surfaces (plastic/metal). Refer to Sulzyc et al.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **JAMES M. HEWITT** whose telephone number is (571)272-7084. The examiner can normally be reached on **M-F, 930am-600pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James M Hewitt/
Primary Examiner, Art Unit 3679